



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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DEAN D. EFSTATHIOU, Acting Director

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IN REPLY PLEASE

REFER TO FILE: PD-1

June 12, 2008

TO: Each Supervisor

FROM: Dean D. Efsthathiou
Acting Director of Public Works

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY BOARD MEETING-MAY 19, 2008

On May 19, 2008, my staff attended the regular Board meeting of the Alameda Corridor-East (ACE) Construction Authority. A copy of the May 19, 2008, agenda and adopted minutes of the April 28, 2008, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County.

Agenda Item VI – The Chief Executive Officer reported the following:

In April 2008, the California Transportation Commission (CTC) adopted the guidelines for the Highway-Railroad Safety Program under Proposition 1B. Of the \$250 million of Proposition 1B funds allocated to this program, \$100 million will be made available for grade separation projects on a competitive basis. Applications are due to the CTC by June 16, 2008. ACE is proposing to submit a grant application in the amount of \$21 million under this program for the Nogales Street Grade Separation project.

Agenda Item VII – The Board approved the ACE Budget for Fiscal Year (FY) 2008-09 in the amount of \$80.68 million, which is a one percent decrease from the approved FY 2007-08 Budget. The FY 2008-09 Budget provides only for projects with committed funds and will be amended if additional funding becomes available.

Agenda Item IX – The Board approved staff's recommendation to authorize the Chief Executive Officer to amend the contract with Lim Nascimento Engineering Corporation to add \$50,000 to Task Order No. 2 of the contract for construction management

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services associated with the Ramona Boulevard Grade Separation project, for a new Task Order amount of \$4,045,000.

Agenda Item X – The Board approved staff's recommendation to authorize the Chief Executive Officer to amend the contract with PB America, Inc., to add an amount not to exceed \$248,000 to Task Order No. 1 of the contract for construction management services associated with the East End Avenue and Reservoir Street grade separation projects, for a new Task Order amount of \$4,577,164.

Agenda Item XI – The Board approved staff's recommendation to increase the Chief Executive Officer's change order authorization for the Ramona Boulevard Grade Separation project by \$330,000 to accommodate future work change orders and to compensate the contractor for delays that occurred during construction.

The next Board meeting will be held on June 23, 2008, at 2 p.m., at the City of Industry's City Hall.

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Attach.

cc: Chief Executive Office (William T Fujioka, Lari Sheehan)
Executive Office



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY

BOARD OF DIRECTORS REGULAR MEETING AGENDA

Monday, May 19, 2008 – 2:00 P.M.

**Irwindale City Hall
5050 Irwindale Avenue
Irwindale, CA 91706**

REVISED

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

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|-------|---|-------------|
| I. | Roll Call and Introductions | |
| II. | Pledge of Allegiance | |
| III. | Approval of Minutes of Meeting of April 28, 2008 (Pages 1-5) | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | Information |
| VI. | Chief Executive Officer's Report (Pages 6-13) | Information |
| VII. | Approval of FY '09 Budget (Pages 14-39) | Action |
| VIII. | Approval of Interagency Agreement with the City of Banning (Pages 40-42) | Action |
| IX. | Approval of Contract Amendment for Construction Management Services for the Ramona Blvd. Grade Separation Project with LAN Engineering (Pages 43-44) | Action |
| X. | Approval of Contract Amendment for Construction Management Services for the East End Avenue and Reservoir Street Grade Separation Projects with PB Americas (Pages 45-46) | Action |
| XI. | Approval of Increased Authorization for Contract Change Orders for the Ramona Blvd. Grade Separation Project (Pages 47-48) | Action |

The ACE Construction Authority is currently constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member.

Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes.

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| XII. | Approval of Support Positions on SB 1646 and AB 2650 and Support
Position on AB 660 (Pages 49-54) | Action |
| XIII. | Adjournment | Action |



**ACE Construction Authority
Board Meeting
April 28, 2008 Minutes**

Chairman Gutierrez called the meeting to order at 2:00 PM in the Irwindale City Council Chambers, Irwindale California.

1. In attendance were:

George Hunter, Chairman
Tim Spohn, Vice Chairman
Ernest Gutierrez, El Monte
Dave Spence, La Canada Flintridge, SGVCOG
Harry Baldwin, San Gabriel
Rosemarie Vasquez, Montebello

Staff

Rick Richmond, Chief Executive Officer	
Joe Silvey, Legal Counsel	
Lou Cluster, staff	Menchu Ituralde, staff
Regina Talamantez, staff	Alcira Godoy, staff
Cynthia Ambrose, staff	Grace Elmaro, staff
Carlos Monroy, staff	Rey Alimoren, staff
Deanna Stanley, staff	
Paul Hubler, Community Outreach Mgr.	

Guests

Mike Colony, Tex Glass & Mirror	Alan Ude, LA Co Public Works
Cynthia Hayes, Texs Glass & Mirror	Alex McDonnell, PB Americas
Laura Conejo, City of Montebello	
Tim Dzmura, City of Pomona	
Roger Hernandez, Hernandez Family	
Stan Kay, Kay-Met Recycling	
Tony Trear, Angelus Real Estate Development	

2. Pledge of Allegiance

Vice Chairman Spohn led the pledge of allegiance.

3. Approval of Minutes of March 24, 2008.

A motion was made to approve the meeting minutes of March 24, 2008.
M/S/C: Baldwin/Eaton/Unanimous

4. Public Comment

There were no public comments.

5. Chairman's Report

Chairman Hunter reminded the Board of the upcoming Ramona Blvd. grade separation ribbon cutting ceremony on Friday, May 2nd at 10AM.

6. Chief Executive Officer's Report

Rick Richmond announced the departure of George Nomura, Program Manager for Bechtel and thanked him for his tireless efforts over the past 8 years.

Senior Project Manager Regina Talamantez reviewed construction progress photos of the Brea Canyon Road grade separation project. Senior Project Manager Lou Cluster reviewed construction progress photos of the Ramona Blvd. and Sunset Ave grade separation projects. George Nomura, Program Manager reviewed program management support tasks completed or ongoing over the past month.

7. Hearing on Resolution of Necessity No. 08-01- 4237 Baldwin Ave., El Monte

Chairman Hunter opened the hearing for the Resolution of Necessity No. 08-01 in connection with the Baldwin Avenue Grade Separation Project in the City of El Monte. Joe Silvey, ACE General Counsel, indicated that the Authority had been unable to negotiate a purchase of the fee interest in the property at 4237 Baldwin Ave. in El Monte and as a result staff were seeking the adoption of a Resolution of Necessity, which would enable the Authority to commence an eminent domain action should negotiations continue unsuccessfully. Mark Mendoza, ACE Property Acquisition Manager, described the property and the current status of the negotiations for its purchase. There were no public comments; however, Cynthia Hayes and her son were late arriving to the hearing and were provided with a brief description of the hearing by the Board and staff. After several questions and comments from the Board, Chairman Hunter closed the hearing and asked the Board to consider Resolution of Necessity 08-01 which includes specific findings that (a) the public interest, convenience and necessity require the construction of the Baldwin Ave. Grade Separation Project; (b) the Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and (c) the taking of the subject property is necessary for the Project to be constructed.

Baldwin/Vasquez/Unanimous

8. Hearing on Resolution of Necessity No. 08-02 – 4116 Baldwin Ave., El Monte

Chairman Hunter opened the hearing for the Resolution of Necessity No. 08-02 in connection with the Baldwin Avenue Grade Separation Project in the City of El Monte. Joe Silvey, ACE General Counsel, indicated that the Authority had been unable to negotiate a purchase of the fee interest in the property at 4116

Baldwin Ave. in El Monte and as a result staff were seeking the adoption of a Resolution of Necessity, which would enable the Authority to commence an eminent domain action should negotiations continue unsuccessfully. Mark Mendoza, ACE Property Acquisition Manager, described the property and the current status of the negotiations for its purchase. During the public comment period, Michael Hernandez, representing Mr. and Mrs. Rogelio Hernandez who are the owners of the property, explained that Mr. and Mrs. Hernandez, his parents, were hoping to achieve a fair settlement with the Authority without the need for any formal legal action. There were no other public comments. After several questions and comments from the Board, Chairman Hunter closed the hearing and asked the Board to consider Resolution of Necessity 08-02 which includes specific findings that (a) the public interest, convenience and necessity require the construction of the Baldwin Ave. Grade Separation Project; (b) the Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and (c) the taking of the subject property is necessary for the Project to be constructed.
Baldwin/Spence/Unanimous

9. Hearing on Resolution of Necessity No. 08-03 – 9960 Bessie Ave., El Monte

Chairman Hunter opened the hearing for the Resolution of Necessity No. 08-03 in connection with the Baldwin Avenue Grade Separation Project in the City of El Monte. Joe Silvey, ACE General Counsel, indicated that the Authority had been unable to negotiate a purchase of the fee interest in the property at 9960 Bessie Ave. in El Monte and as a result staff were seeking the adoption of a Resolution of Necessity, which would enable the Authority to commence an eminent domain action should negotiations continue unsuccessfully. Mark Mendoza, ACE Property Acquisition Manager, described the property and indicated that the Authority had been unable to have any substantial communications or negotiations with the current owner. There were no public comments. After several questions and comments from the Board, Chairman Hunter closed the hearing and asked the Board to consider Resolution of Necessity 08-03 which includes specific findings that (a) the public interest, convenience and necessity require the construction of the Baldwin Ave. Grade Separation Project; (b) the Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and (c) the taking of the subject property is necessary for the Project to be constructed.
Spence/Spohn/Unanimous

10. Hearing on Resolution of Necessity No. 08-04 – 10020 Bessie Ave., El Monte

Chairman Hunter opened the hearing for the Resolution of Necessity No. 08-04 in connection with the Baldwin Avenue Grade Separation Project in the City of El

Monte. Joe Silvey, ACE General Counsel, indicated that the Authority had been unable to negotiate a purchase of the fee interest in the property at 10020 Baldwin Ave. in El Monte and as a result staff were seeking the adoption of a Resolution of Necessity, which would enable the Authority to commence an eminent domain action should negotiations continue unsuccessfully. Mark Mendoza, ACE Property Acquisition Manager, described the property and the current status of the negotiations for its purchase. Mr. Gary Kovascevic, representing the Jast Family Limited Partnership which owns the property, explained the personal hardship that would be experienced by Mr. Jast if he was not able to negotiate a settlement with the Authority regarding the extent of the property to be taken. There were no other public comments. After several questions and comments from the Board, Chairman Hunter closed the hearing and asked the Board to consider Resolution of Necessity 08-04 which includes specific findings that (a) the public interest, convenience and necessity require the construction of the Baldwin Ave. Grade Separation Project; (b) the Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and (c) the taking of the subject property is necessary for the Project to be constructed.
Vasquez/Baldwin/Unanimous

11. Approval to Sale of Surplus Property at Reservoir Street Grade Separation Site to the City of Pomona

Mr. Richmond reminded the Board that at the January 2007 meeting five contiguous parcels in the City of Pomona was declared surplus. As required under Caltrans guidelines, notice of availability was mailed to potential interested parties. Notice of availability was also posted on the authority's website. The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and the City of Pomona responded but the Conservancy later withdrew its interest. The 47,763 square feet, zoned multi-residential and light industrial was made available to the City of Pomona at its fair market value of \$653,000. A motion was made to approve the sale of excess property at the Reservoir Street grade separation site to the City of Pomona for \$653,000.
M/S/C/Spohn/Spence/Unanimous

12. Quarterly Project Status Report

Mr. Richmond reviewed the current project cost and estimated a \$6.2 million increase over last quarter. He explained the increase was due to right of way costs at East End/Reservoir (\$.1M) and Temple 4th track (\$.1M), construction management services associated with UPRR required work for the Temple Avenue 4th track (\$.2M) and construction costs associated with design changes and unforeseen site conditions at Sunset Avenue (\$5.8M). Mr. Richmond reviewed minor schedule changes at East End and Ramona and indicated the significant change was at Sunset Avenue for reasons described earlier. Mr.

Richmond reviewed the accomplishments which included completion of the UPRR bridge and First Street bridge at East End Ave. He reported completion of mass excavation, roadway paving and retaining wall in preparation for the opening of the Ramona Blvd. grade separation. At Brea Canyon Road utility relocations and retaining wall construction continued. Sunset Avenue storm drain relocations along Valley Blvd continued along with shoofly grading and removal of subgrade material.

13. Quarterly Project Financial Report

Mr. Richmond reviewed the cash expenditures by project, expenditures versus receipts by project and investment information for the project for quarter ending March, 2008.

14. Summary of Ballot Propositions 98 and 99

Mr. Richmond reminded the Board that this provided as a matter of information. He reviewed the features of Proposition 99 and indicated staff did not see passage impacting the ACE Project. He reviewed features of Proposition 98 and indicated staff felt this could potentially affect the relationship between the authority and affected owners and prolong conclusion of negotiations.

15. Closed Session

Joe Silvey, ACE General Counsel, announced that the Board would move to closed session in accordance with Government Code Section 54956.9 (c) for discussion with legal counsel concerning the possible initiation of litigation (two matters). Upon the Board returning from closed session, Joe Silvey announced that on a motion by Gutierrez, seconded by Spence with affirmative votes by Gutierrez, Spence, Baldwin, Spohn and Hunter the Board had authorized legal counsel to initiate litigation against a party whose identity would be disclosed upon request once the litigation was formally commenced unless any such disclosure would jeopardize the Authority's ability to conclude any ongoing settlement negotiations to its advantage.

16. Adjourn

The Board adjourned to the East End Avenue grade separation for a project tour. The Board adjourned at 4:10PM



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: May 19, 2008

SUBJECT: CEO Report

The following are items of note since the last meeting:

\$336.6 million Prop 1B Trade Corridor Improvement Fund (TCIF) Agreement

In April, CTC adopted a resolution requesting an executed baseline agreement with all grantees that sets forth the proposed scope, performance benefits, delivery schedule, funding plan, project budget and master railroad agreement with Union Pacific Railroad. This required agreement is expected no later than the September CTC meeting for the San Gabriel Trench. CTC is having a workshop on May 6th to discuss the agreement and provisions. ACE is hosting the meeting with the CTC, railroads and other nominating agencies on May 14th.

\$21 million Prop 1B Nogales Application

ACE is submitting a \$21 million application for Prop 1B grade separation funding for the Nogales Blvd. (City of Industry) project. At the last CTC meeting, guidelines were adopted for allocating the \$250 million grade separation program included in Prop 1B (\$150 million for PUC ranked projects and \$100 million for projects on the High Speed Rail Corridor). The applications are due June 16, 2008 to CTC staff. Review and approval is expected at the August CTC meeting.

Community Outreach Update - Staff has conducted the following project outreach activities:

- Provided support for the Ramona Boulevard grade separation project ribbon-cutting ceremony in the City of El Monte;
- Distributed construction alert notices regarding the provision of alternate transportation following the closure of the Metrolink access road to pedestrians for the Brea Canyon Road grade separation project in the Cities of Diamond Bar and Industry;
- Distributed construction alert notices regarding and made arrangements for temporary relocation program for residents of condo complex adjacent to pile-driving operations for the Brea Canyon Road grade separation project;
- Conducted ongoing business support program, community outreach and construction coordination activities for the Brea Canyon Road, East End Avenue, Ramona Boulevard, and Sunset Avenue projects.

Contracting – Our Administrative Code delegates to the CEO the authority to approve new contracts or change orders for Board-approved contracts within certain limits, with a requirement that I report to the Board any such contract action. In addition to those included in the monthly construction reports, below are the contract actions since last month:

<u>Consultant/Vendor</u>	<u>Reason for Change</u>	<u>Previous Value</u>	<u>Change Amount</u>
Yellow Cab of Pomona	New contract to provide shuttle service to/from Brea Metrolink station for residents near the construction site. Their access to the station has been temporarily eliminated due to construction activities.	-0-	\$1,500/week

Construction Progress Reports – Attached are construction progress reports on the Ramona Ave., East End Ave., Brea Canyon Road and Sunset Ave. projects.

ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
BREA CANYON ROAD GRADE SEPARATION



For the Month: **April 2008**

Scope:	Construct a grade separation at Brea Canyon Road in the Cities of Industry and Diamond Bar
Contractor:	Griffith Company
Construction Manager:	Lim & Nascimento Engineering
Contract Award:	April 28, 2006
Notice to Proceed:	July 5, 2006
Est. Partial Const. Completion:	October 17, 2008
Contract Completion:	January 9, 2009.

Project Milestone Summary	Estimated Start	Estimated Completion	% Complete
Install Storm Drain System	September 2006	August 2008	80%
Install Sewer Line	July 2006	May 2007	100%
Prepare Shoofly	July 2006	October 2006	80%
Construct bridge foundations	September 2007	March 2008	100%
Construct bridge superstructure	November 2007	April 2008	100%
Install MWD Water Line	July 2006	August 2008	99%
Install SCE Trans & Distribution	August 2006	August 2008	95%
Build Pump Station	October 2006	June 2008	80%
Construct Retaining Walls	March 2007	August 2008	70%
Roadway Civil Work	July 2006	September 2008	50%
Complete Landscape, Irr & Lighting	August 2007	October 2008	10%
Shea Property Improvement Option	August 2007	October 2008	5%
Open to public		October 2008	

Financial Summary	
Original Contract Value	\$ 39,958,807.00
C.O.s Approved This Month	\$0.0
C.O.s Approved to Date	\$3,476,915.19
Current Contract Value	\$43,435,722.19